

2007 OCT 22 P11 2: 26

Dep & Ref

500.39461X00



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Ken NOZAKI et al.  
Serial No.: 09/764,073  
Filed: January 19, 2001  
For: SYSTEM AND METHOD FOR SCORE CALCULATION  
Group: 3628  
Examiner: C. Graham

**REQUEST FOR REFUND**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

October 18, 2007

Sir:

Applicants request a refund in the above-identified application due to an error on the part of the United States Patent & Trademark Office (USPTO).

On June 24, 2005, Applicants filed an Amendment that included three extra independent claims ( $3 \times \$200 = \$600$ ) and two extra claims in total ( $2 \times \$50 = \$100$ ). Applicants herewith submit a copy of the Patent Application Fee Determination Record (Exhibit A) that indicates a "paid" status in the amount of \$700 for the extra independent claims and extra claims in total.

However, under the Amendment C box, the USPTO indicates that there was only one extra independent claim ( $1 \times \$200 = \$200$ ) and two extra claims in total ( $2 \times \$50 = \$100$ ) to be charged to the Applicants, which would have been a total amount of \$300 in extra claim fees. Applicants respectfully point out this error on the part of the USPTO and submit that the Amendment filed on June 24, 2005 was filed with three additional independent claims and two additional claims in total as stated

Adjustment date: 11/08/2007 SFELEKE1  
01/18/2006 LWALDEN 00000001 501417 09764073  
01 FC:1201 400.00 CR

above. If the USPTO believed that their claim count was correct, there is no evidence of a refund to the Applicants in the amount of the additional \$400 paid to the USPTO for the June 24, 2005 Amendment.

In addition, on January 6, 2006, Applicants filed another Amendment which canceled claims 3 and 4 and did not include any additional independent or excess of total claims. However, the Applicants' representative's Monthly Statement of Account for January 2006 (Exhibit B) indicates that a fee in the amount of \$400 was charged to the deposit account on January 18, 2006.

Applicants submit herewith another Patent Application Fee Determination Record (Exhibit C) which indicates under the Amendment A box, that the USPTO miscalculated the "Highest Number Previously Paid For" as Applicants having paid for only four (4) independent claims as opposed to the six (6) independent claims paid for in the June 24, 2006 Amendment.

Applicants believe that the USPTO inappropriately charged the deposit account on January 18, 2006 in the amount of \$400 due to the miscalculation of the claims in both the June 24, 2005 and the January 18, 2006 amendments. Applicants enclose herewith a Claim Chart (Exhibit D) indicating the claims as prosecuted in the instant application for the Refund Branch's convenience.

Please credit a refund in the amount of \$400.00 to the Deposit Account No. 50-1417, Ref.: 500.39461X00.

Respectfully submitted,

MATTINGLY, STANGER, MALUR & BRUNDIDGE, P.C.



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Registration No. 45,962

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**PATENT APPLICATION FEE DETERMINATION RECORD**  
Effective October 1, 2000

Application or Docket Number

09/764073  
10-9-01-07301/164073

**CLAIMS AS FILED - PART I**

	(Column 1)	(Column 2)
TOTAL CLAIMS		
FOR	NUMBER FILED	NUMBER EXTRA
TOTAL CHARGEABLE CLAIMS	11 minus 20 =	
INDEPENDENT CLAIMS	3 minus 3 =	
MULTIPLE DEPENDENT CLAIM PRESENT		<input type="checkbox"/>

\* If the difference in column 1 is less than zero, enter "0" in column 2

**CLAIMS AS AMENDED - PART II**

	(Column 1)		(Column 2)	(Column 3)
	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA
Total	12	Minus	20	8
Independent	3	Minus	3	0
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM				<input type="checkbox"/>

6/18/05 RCE

	(Column 1)		(Column 2)	(Column 3)
	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA
Total	12	Minus	20	8
Independent	3	Minus	3	0
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM				<input type="checkbox"/>

6/24/05 PR for (3) only

	(Column 1)		(Column 2)	(Column 3)
	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA
Total	22	Minus	20	2
Independent	4	Minus	3	1
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM				<input type="checkbox"/>

\* If the entry in column 1 is less than the entry in column 2, enter "0" in column 3.  
\* If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20."  
\* If the "Highest Number Previously Paid For" ON THIS SPACE is less than 3, enter "3."  
The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.

**SMALL ENTITY TYPE** ☐ OR **OTHER THAN SMALL ENTITY**

RATE	FEE		RATE	FEE
BASIC FEE	355.00	OR	BASIC FEE	710.00
X5 =		OR	X518 =	
X40 =		OR	X80 =	
+135 =		OR	+270 =	
TOTAL		OR	TOTAL	10: -

RATE	ADDITIONAL FEE		RATE	ADDITIONAL FEE
X5 =		OR	X518 =	
X40 =		OR	X80 =	
+135 =		OR	+270 =	
TOTAL		OR	TOTAL	
ADDITIONAL FEE		OR	ADDITIONAL FEE	

RATE	ADDITIONAL FEE		RATE	ADDITIONAL FEE
X5 =		OR	X518 =	
X40 =		OR	X80 =	
+135 =		OR	+270 =	
TOTAL		OR	TOTAL	
ADDITIONAL FEE		OR	ADDITIONAL FEE	

RATE	ADDITIONAL FEE		RATE	ADDITIONAL FEE
X5 =		OR	X518 =	600
X40 =		OR	X80 =	700
+135 =		OR	+270 =	
TOTAL		OR	TOTAL	
ADDITIONAL FEE		OR	ADDITIONAL FEE	

Best Available Copy

**Deposit Account Statement**

**Requested Statement Month:** January 2006  
**Deposit Account Number:** 501417  
**Name:** MATTINGLY STANGER & MALUR, P.C.  
**Attention:**  
**Address:** 1800 DIAGONAL ROAD, SUITE 370  
**City:** ALEXANDRIA  
**State:** VA  
**Zip:** 22314  
**Country:** UNITED STATES OF AMERICA

DATE	SER.NO	DOCKET no.	FEE CODE	AMT	SAL
01/03 40	11087983	81940.0084	1814	\$130.00	\$5,071.00
01/03 65	10923718	T&A-119-02	1253	\$1,020.00	\$4,051.00
01/04 1	10372981	ASA-1114	1806	\$180.00	\$3,871.00
01/04 3	10386501	NIP-239-03	1201	\$400.00	\$3,471.00
01/04 3	10445000	1021.42773X001	1253	\$1,020.00	\$2,451.00
01/11 2	10819159	KAS-202	1806	\$180.00	\$2,271.00
01/11 212	10673162	501.43126X00	1464	\$130.00	\$2,141.00
01/12 1	10987162	BAY-410-05	1806	\$180.00	\$1,961.00
01/13 1	09986087	520.36525CX2	1201	\$200.00	\$1,761.00
01/13 1	09363191	H-811	1402	\$500.00	\$1,261.00
01/13 2	09363191	H-811	1253	\$1,020.00	\$241.00
01/13 214	6557570		8008	\$200.00	\$41.00
01/13 215	6557570		8024	\$40.00	\$1.00
01/17 82	E-REPLEN		9203	-\$10,000.00	\$10,001.00
01/18 1	10140981	500.41657X00	1201	\$600.00	\$9,401.00
01/18 1	09764073	500.39461 X00	1201	\$400.00	\$9,001.00***
01/18 7	10806098	1309.43693X00	1201	\$200.00	\$8,801.00
01/18 8	10238631	NIP-285	1201	\$200.00	\$8,601.00
01/18 8	10806098	1309.43693X00	1203	\$360.00	\$8,241.00
01/19 2	10822725	1309.43768X00	1251	\$120.00	\$8,121.00
01/19 3	10822725	1309.43768X00	1201	\$200.00	\$7,921.00
01/20 90	11334511	ASA-5053-02	1081	\$50.00	\$7,871.00
01/26 1	11206771	NIT-478	1201	\$200.00	\$7,671.00
01/26 3	10828286	501.43788X00	1201	\$200.00	\$7,471.00
01/27 36	10861792	1213.43918X00	1464	\$130.00	\$7,341.00
01/27 37	10861792	1213.43918X00	1801	\$790.00	\$6,551.00
01/30 19	11203978	H-1016-02	1202	-\$300.00	\$6,851.00
01/30 20	11203978	H-1016-02	1201	-\$200.00	\$7,051.00
01/30 183	11010291	H-820-03	1806	\$180.00	\$6,871.00
01/31 1	10626523	BAY-410-04	1806	\$180.00	\$6,691.00
01/31 259	11341374	BAY-710-03	2202	\$250.00	\$6,441.00
01/31 260	11341374	BAY-710-03	2202	\$250.00	\$6,191.00

Exhibit B

**PATENT APPLICATION FEE DETERMINATION RECORD**  
Effective October 1, 2001

Application or Docket Number

*Continuation* **09764073**

**CLAIMS AS FILED - PART I**

	(Column 1)	(Column 2)
TOTAL CLAIMS		
FOR	NUMBER FILED	NUMBER EXTRA
TOTAL CHARGEABLE CLAIMS	11 minus 20 = *	$\phi$
INDEPENDENT CLAIMS	3 minus 3 = *	$\phi$
MULTIPLE DEPENDENT CLAIM PRESENT		<input type="checkbox"/>

\* If the difference in column 1 is less than zero, enter "0" in column 2

**CLAIMS AS AMENDED - PART II**

*11/6/06*

	(Column 1)	(Column 2)	(Column 3)
AMENDMENT A	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA
Total	* 20 Minus	* 22	= 0
Independent	* 6 Minus	*** 4	= 2
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM			<input type="checkbox"/>

SMALL ENTITY TYPE ☐

OR OTHER THAN SMALL ENTITY

RATE	FEE
BASIC FEE	370.00
X\$ 9=	
X42=	
+140=	
TOTAL	

RATE	FEE
BASIC FEE	740.00
X\$18=	
X84=	
+280=	
TOTAL	210

SMALL ENTITY OR

OTHER THAN SMALL ENTITY

RATE	ADDITIONAL FEE
X\$ 9=	
X42=	
+140=	
TOTAL ADDIT. FEE	

RATE	ADDITIONAL FEE
X\$18=	
X84=	400
+280=	
TOTAL ADDIT. FEE	400

	(Column 1)	(Column 2)	(Column 3)
AMENDMENT B	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA
Total	* Minus	**	=
Independent	* Minus	***	=
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM			<input type="checkbox"/>

RATE	ADDITIONAL FEE
X\$ 9=	
X42=	
+140=	
TOTAL ADDIT. FEE	

RATE	ADDITIONAL FEE
X\$18=	
X84=	
+280=	
TOTAL ADDIT. FEE	

	(Column 1)	(Column 2)	(Column 3)
AMENDMENT C	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA
Total	* Minus	**	=
Independent	* Minus	***	=
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM			<input type="checkbox"/>

RATE	ADDITIONAL FEE
X\$ 9=	
X42=	
+140=	
TOTAL ADDIT. FEE	

RATE	ADDITIONAL FEE
X\$18=	
X84=	
+280=	
TOTAL ADDIT. FEE	

\* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.

\*\* If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20."

\*\*\* If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3."

The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.

Exhibit *e*

